

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RUGGED OAKS INVESTMENT, LLC,

Plaintiff,

vs.

EILEEN NELSON; DAVID NELSON; THE
BANK OF NEW YORK MELLON, AS
SUCCESSOR TO JP MORGAN BANK, N.A.,
AS TRUSTEE FOR STRUCTURED ASSET
MORTGAGE INVESTMENTS II TRUST
2005-AR7, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-AR7 AKA JP
MORGAN CHASE BANK, N.A.; CITIBANK
(WEST) FSB; INTERNAL REVENUE
SERVICE; AACA/ACCOUNT
MANAGEMENT SERVICES; CITY OF LAS
VEGAS; UNIFUND CCR PARTNERS AS
ASSIGNEE OF PALISADES ACQUISITION
XVI; SOUTHWESTUSA BANK; NV DHHS
DIV OF WELFARE & SUPP SERVICES;
LNV CORPORATION; MTC
CORPORATION DBA TRUSTEE CORPS;
DOES 1 through 20, inclusive; and ROE
CORPORATIONS 1 through 20, inclusive,

Defendants.

Case No.: 2:15-cv-00240-APG-CWH

PRELIMINARY INJUNCTION ORDER

On February 19, 2015, I held a hearing on Plaintiff's Motion for Preliminary Injunction. Stephanie Cooper, Esq. of the Aldrich Law Firm, Ltd. appeared on behalf of Plaintiff. No other parties appeared at the hearing. Plaintiff's counsel advised that no counsel had confirmed their appearance on behalf of the first deed of trust holder or the trustee but service had been effectuated. I stated my concern that although the case had been removed by the Department of Justice, the other defendants receiving the Motion for Preliminary Injunction may not have been aware of the date set for the hearing. Plaintiff's counsel confirmed that she had spoken with the Department of Justice, LNV Corporation, and the City of Las Vegas, and they would not be appearing at the hearing. The remaining defendants did not respond by the time and date set for the hearing.

1 Based on the motion and the statements of counsel, I hereby find that the Motion sets forth
2 sufficient grounds for a preliminary injunction to be granted. Plaintiff has a likelihood of success
3 on the merits, and defendant should be enjoined from holding a pending foreclosure. I specifically
4 find as follows:

5 1. A valid foreclosure sale by a homeowners' association of its super priority lien
6 extinguishes all inferior security instruments recorded against the property.

7 2. Defendant Bank of New York appears to have an inferior security instrument to the
8 homeowners' association super priority lien that was foreclosed.

9 3. Plaintiff has a substantial likelihood of success on the merits.

10 4. To allow Defendant Bank of New York to continue foreclosure proceedings would
11 cause irreparable injury to Plaintiff.

12 5. The preliminary injunction should be granted until I have made a final judgment or
13 until the injunction is dissolved, whichever occurs first.

14 6. Plaintiff should be required to post a bond of \$100.00 as security for the preliminary
15 injunction.

16 **IT IS HEREBY ORDERED** that defendant Bank of New York is hereby enjoined from
17 any further foreclosure proceedings until the earlier of when the injunction is dissolved or the case
18 is resolved.

19 **IT IS FURTHER ORDERED** that Plaintiff is required to post a \$100.00 bond.

20 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Preliminary Injunction is
21 GRANTED.

22 **IT IS FURTHER ORDERED** that Plaintiff shall serve this injunction order on all parties
23 and the parties may bring the matter back before the Court after service.

24 Dated this 24th day of February, 2015.

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26 _____
27 UNITED STATES DISTRICT JUDGE
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